

REPORT ON THE Board of Registration for Foresters



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August 24, 2005

Senator Larry Dixon
Chairman, Sunset Committee
Alabama State House
Montgomery, AL 36130

Dear Senator Dixon,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Registration for Foresters** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Registration for Foresters**, in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones
Chief Examiner

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PROFILE

Purpose/Authority

The Board of Registration for Foresters licenses the professional practice of forestry in Alabama and investigates complaints regarding licensees as well as those practicing without a license. The board operates under the authority of the *Code of Alabama 1975*, Sections 34-12-1 through 34-12-37

Board Characteristics

Members	5
Term	5-year staggered terms. No member can serve more than two consecutive terms.
Selection	Selected and appointed by the governor from a list of candidates recommended by the Alabama Division of the Society of American Foresters.
Qualifications	<ul style="list-style-type: none">• U. S. Citizen• Resident of Alabama• Registered Forester• Member or fellow of the Society of American Foresters• Practiced profession 10 years prior to appointment
Racial Representation	No statutory requirement, one black member
Geographical Representation	No statutory requirement
Consumer Representation	No statutory requirement
Other Representation	No statutory requirement
Compensation	\$50 per day plus travel expenses at state employee rates

Operations

Administrator	Pam Sears, Executive Assistant Appointed by the board Salary - \$52,447.20
Location	513 Madison Avenue Montgomery, AL 36130
Type of License	Registered Forester
Licensee Qualifications	<ul style="list-style-type: none">• Bachelors degree in a forestry curriculum approved by the board or accredited by the Society of American Foresters• Passage of a written or oral examination• Two or more years experience in the practice of forestry after graduation• Good character and reputation
Renewals	Renew annually by September 30 th
Examinations	Administered by the board members and examination panel composed of four (4) persons selected by the board. <ul style="list-style-type: none">• Oral – as requested - Allowed for those with 15 years experience or more• Written – Four (4) times per year in Montgomery
Reciprocity	The board has reciprocal licensing agreements with Arkansas, Georgia, Mississippi, South Carolina, and North Carolina. The requirements are as follows: <ul style="list-style-type: none">• Reside in home licensing state• Meet Alabama education requirements• Meet Alabama experience requirements
Continuing Education	Yes, 10 credit hours annually
Employees	The board has one (1) employee
Legal Counsel	Olivia W. Martin, Assistant Attorney General

Internet Presence

The board maintains a website at www.asbrf.state.alabama.gov with e-mail at Pam.Sears@asbrf.alabama.gov. The website contains information on:

- Continuing education
- Licensing law
- Rules of conduct
- Board history
- Board members

The site also contains a renewal form and a calendar listing upcoming events

Attended Board Member Training

NONE

Financial**Source of Funds**

Licensing Fees

State Treasury

Yes

Unused Funds

Unused funds are retained by the board at year-end.

SIGNIFICANT ITEMS

1. Charges not Heard Within Statutory Time Limit - Contained in the board's statutory authority is a requirement that all charges shall be heard within three months. The *Code of Alabama 1975*, Section 34-12-9 states, "...All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred..." As of June 8, 2005 the board had five complaints on which action had been taken but were still pending with an average time of nine (9) months since the complaints had been filed. None of these complaints have been resolved.

Response: The Board is committed to providing deliberate yet prompt action in response to all complaints that are filed (both formal and informal actions). To add transparency and accountability to the process, the Board in 2003 dedicated a section in the quarterly newsletter, the *Registered Forester* that summarizes enforcement actions and their status or disposition. More recently, the Board adopted internal processes to improve both accountability and timelier disposition of complaints. Key tenants of the process are that complaints are assigned to a complaint manager upon receipt and each action taken toward resolution is dated, logged and tracked until final resolution. The Board feels confident that persistent decisive action can drive many of the complaints to resolution without the need for a formal hearing.

The Board also will propose at least one performance metric relating to complaint resolution under the Smart Planning/Smart Budgeting initiative.

While the actions described above will significantly improve timeliness in the resolution of complaints, under the Board's current quarterly meeting schedule, they are not likely to completely bring all actions in alignment with the three month performance metric established by statutory authority. S34-12-34, however, allows for special meetings in accordance with bylaws provided that not more than one meeting may be held in any one calendar month.

2. Rosters not Mailed to Registered Foresters as Required by Law - The board is not in compliance with the *Code of Alabama 1975*, Section 34-12-3 which requires "A roster showing the names and places of business of all registered foresters qualified according to the provisions of this chapter shall be prepared by the secretary of the board during the month of January biennially in even-numbered calendar years. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and furnished to the public upon request."

The board maintains a roster of foresters on its website and mails a copy only to foresters who request it. The board may seek an amendment to its statutes through the sunset process to allow the board to maintain the roster on its website.

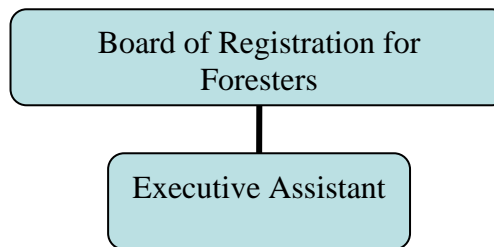
Response: The Board has been focused on actions designed to improve efficiency and effectiveness in carrying out our mandated mission. This focus led the Board to adopt

electronic delivery of the roster online, providing access to the most current information along with capabilities for multi-formatted searches. In a letter to the Sunset Committee dated July 29, 2005, the Board among other items, proposed a revision to S34-12-3 Roster of Registered Foresters to reflect the current practice of offering the roster online as the primary means of distribution.

STATUS OF PRIOR FINDINGS

All prior findings have been resolved.

ORGANIZATION



PERSONNEL

The board has one employee, a white female classified as an Executive Assistant III.

PERFORMANCE CHARACTERISTICS

Number of Licensees per Employee – 1132

Number of Persons per Licensee in Alabama and surrounding States

State	Population (Estimate)	Number of Licensees	Persons per Licensee
Alabama	4,530,182	1,132	4,002
Florida	17,397,161	Does not license	N/A
Georgia	8,829,383	1,280	6,898
Mississippi	2,902,966	1,240	2,342
Tennessee	5,900,962	Does not license	N/A

Operating Disbursements per Licensee (2003-2004 fiscal Year) - \$ 72.01

Notification to Licensees of Board decisions to Amend Administrative Rules

The board complied with procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes.

Complaint Process

Initial Documentation	Upon receipt of a complaint, oral or in writing, the executive assistant acknowledges the complaint and sends a standard complaint form and transmittal letter to the complainant. The form must be properly completed and notarized for the board to consider the allegation(s).
Investigative Members	The executive assistant submits a copy of the complaint to the chairman of the board. Each case is reviewed by the entire board.
Formal Hearings	If the board decides the allegations have merit, then a formal hearing is scheduled and witnesses are contacted. The accused has the right to appear personally and to have counsel present.
Anonymous Complaints	The board does not accept anonymous complaints.
Investigative Board Members	The entire board hears the case and votes to determine if the accused is guilty. Three of the five board members must concur for the accused to be found guilty.

Complaint Resolution

Complaint Received in:		Complaint Resolved in:					
		2001	2002	2003	2004	Pending	Average (months)
2001	0	0	0	0	0	0	0
2002	2	0	1	0	1	0	9
2003	1	0	0	1	0	0	6
2004	5	0	0	0	0	5**	N/A

* As of June 8, 2005 the five complaints filed in 2004 have been pending for an average time of 9 months.

FINANCIAL INFORMATION

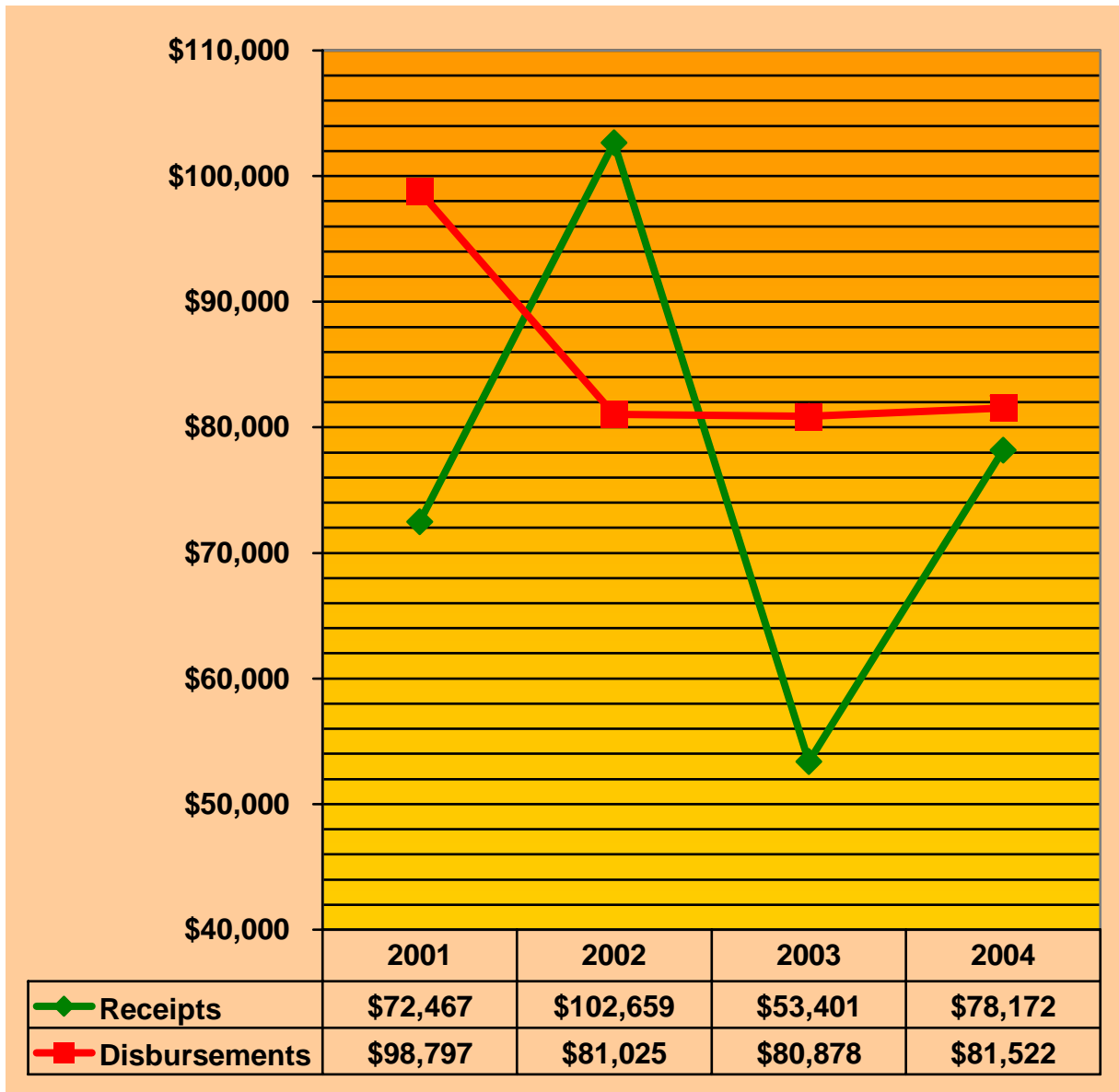
Schedule of Fees

<u>Fee</u>	<u>Amount Charged</u>	<u>Amount Authorized</u>	<u>Statutory Authority</u>
Application Fee	\$50	Up to \$200	§ 34-12-5
Reciprocity Fee	<i>VARIES</i>	Same amount as reciprocal state charges for Alabama licensees seeking reciprocity in that state	§ 34-12-11(b)
Renewal Fee <ul style="list-style-type: none">• Active• Inactive• Late	\$75 \$30 \$50	Not to exceed \$200 Not to exceed twice the annual renewal fee	§ 34-12-8(a) § 34-12-8(b)
Reinstatement Fee	\$125	Up to twice the renewal fee	§ 34-12-9
Reexamination Fee	\$100	Not to exceed \$100	§ 34-12-6
Lost License Fee	\$10	Not to exceed \$50	§ 34-12-9

Schedule of Operating Receipts, Disbursements, and Balances
October 1, 2000 through September 30, 2004

	2003-2004	2002-2003	2001-2002	2000-2001
<u>Receipts</u>				
Fees	\$ 78,172.00	\$ 53,401.00	\$ 102,659.35	\$ 72,467.00
<u>Disbursements</u>				
Personnel Costs	54,047.20	54,147.20	52,818.40	50,740.20
Employee Benefits	12,782.14	12,153.95	11,437.00	10,713.29
Travel In-State	2,850.19	2,648.06	2,337.76	3,509.29
Travel Out-of-State	-	-	824.60	377.86
Repairs and Maintenance	55.00	-	484.27	402.61
Rentals and Leases	86.53	121.71	91.56	65.50
Utilities and Communications	1,226.79	1,767.87	1,934.68	1,494.25
Professional Services	5,217.88	5,560.97	5,064.98	8,415.72
Supplies, Materials and Operating Expense	4,501.32	4,478.25	6,031.49	18,586.52
Other Equipment Purchases	754.90	-	-	4,492.16
	<u>81,521.95</u>	<u>80,878.01</u>	<u>81,024.74</u>	<u>98,797.40</u>
Excess (Deficiency) of Receipts over Disbursements	(3,349.95)	(27,477.01)	21,634.61	(26,330.40)
Cash Balances at Beginning of Year	<u>88,645.66</u>	<u>116,122.67</u>	<u>94,488.06</u>	<u>120,818.46</u>
Cash Balances at End of Year	85,295.71	88,645.66	116,122.67	94,488.06
Reserved for Unpaid Obligations	<u>(9,520.00)</u>	<u>(11,395.00)</u>	<u>(6,445.00)</u>	<u>(3,990.99)</u>
Unreserved Cash Balances at end of Year	<u>\$ 75,775.71</u>	<u>\$ 77,250.66</u>	<u>\$ 109,677.67</u>	<u>\$ 90,497.07</u>

Operating Receipts Vs Operating Disbursements (Chart)



FY 2002 and FY 2003 receipts abnormality - Licensee renewal fees collected at the end of the year for the following year's operations were credited to the current fiscal year.

Questionnaires

Board Members

A questionnaire was sent to all five (5) board members. Two (2) responded.

Question #1

What are the most significant issues currently facing the Board of Registration for Foresters and how is the board addressing these issues?

“The significant issues facing the board are:

- Non-registered forestry professionals attempting to practice forestry; addressed by investigation of each complaint and move to clarify confusing issues for foresters and forestry workers alike.
- Retirement of Pam Sears, sole employee of the board, addressed by a lot of preparation on behalf of the board to find a suitable replacement, meet financial burden of paying Pam’s vacation time, etc. plus training of new employee.
- Technology changes; addressed by updating web site, reducing mail outs, etc.”

“The pending retirement of Executive Assistant (only paid employee) after 25 years plus years - To ensure a smooth transition, propose to implement a succession plan that includes hiring a replacement prior to the retirement and utilizing the services of the incumbent on a part-time basis.

Increased demand for services by stakeholders and the public – Upgrade Board website to improve usefulness and take advantage of efficiencies by incorporating e-government.

Loss of low cost printing services at the Division Printing and Publications – Reduce printing by increasing utility of the Board website to better display roster information. Propose fee to recoup cost of printing a limited number of hard copy rosters.”

Question #2

What changes to the Board of Registration for Foresters’ laws are needed?

“Changes to the law needed are:

- Alter license renewal dates to make renewal process more efficient
- Allow advanced technology, such as email and web postings, rather than mailings
- Consider updating the nominal fee (\$50) received per diem by board members, which will be particularly needful as we work additional days during Pam’s retirement and new employee’s training period.

- We also are looking into adjusting Administrative Rules to clarify: a) experience after graduation requirements; b) continuing education requirements; c) curriculum guidelines; d) use of another person's license; and e) defining what is involved in the practice of forestry.

We have looked closely at the Board Administrative Rules and the Law, and these are some items that need to be updated, clarified, or altered to match actual or needed practices.”

“The changes needed to the law –

- Clarify that requisite experience after graduation from a forestry curriculum applies to both four year and graduate degree programs
- Change the expiration and renewal procedures to avoid the end of fiscal year cycle (30 Sep) and shorten the renewal period to make the process more streamlined
- Amend existing language to clarify that 10 hours of continuing education are needed annually, but can be fulfilled by education received during the previous two years
- Establish that to earn credit for Continuing Education in Category 2, the instruction must be at a professional level and require effort beyond the general scope of the individual's normal duties or job description
- Establish policy that determination of “curriculum accepted by the Board” will be guided by a list of core courses common to most accredited forestry degree programs and specify a list of such courses
- Establish policy that unless a formal supervisor-employee relationship exists, those allowing non-foresters to work under their license must have a formal written agreement acknowledging that they are under the “direction, supervision, and responsibility of a registered forester” to be accepted by the Board
- Further define the practice of forestry to clarify and provide a more comprehensive explanation of practices that foresters regularly perform”

Question #3

Is the Board of Registration for Foresters adequately funded?

2 Yes

0 No

“I believe it is, but I have not examined the finances closely of late.”

“Currently, funds from license fees are adequate to cover normal operational expenses of the Board. One time expenses associated with implementing a succession plan to replace the Executive Assistant (which includes payment of annual leave balances and temporarily doubling the paid staff) will severely deplete available fund balances. This transition will require extra diligence to manage.”

Question #4

Is the Board of Registration for Foresters adequately staffed?

2 Yes

0 No

“Yes, if we can replace Pam Sears with someone of her skill and ability level.”

“Currently, the pace of operational changes faced by the Board has stretched the one person staff beyond capacity. However, I feel that a period of transition as a replacement is hired a part of a succession plan should allow catch up of backlog administrative matters. Additionally, implementation of a number of proposed changes designed to improve the efficiency and effectiveness of the Board should solve the problem long-term. Once in place these changes, should allow business to be adequately handled by current staffing levels.”

Question #5

What is the purpose of the Board of Registration for Foresters’ fiscal year end balance of unobligated funds?

“I am not familiar with the specifics of this money. I presume that it is due to our uneven cash flow and our sole income coming from license fees that are paid once a year!”

“It should be noted that the ASBRF budget comes solely from license fees and that these fees fluctuate based on the annual renewal cycle and the number of new applicants. Fiscal year end fund balances are amounts carried forward to continue the work of the Board.”

Licensees

A questionnaire was sent to one hundred (100) licensees. Fifty-three (53) responded.

Question #1

Do you think the regulation of foresters by the Board of Registration for Foresters necessary to protect the public welfare?

50 Yes 3 No

“I am in favor of registration but still do not believe it is absolutely necessary.”

“As a last checkpoint for professional performance but there are times when landowners should be required to seek professional guidance.”

Question #2

Do you think any of the laws, rules, and policies regulating foresters in Alabama are an unnecessary restriction on the profession of foresters?

4 Yes 49 No

Question #3

Do you think any of the requirements for practicing forestry in Alabama are irrelevant to the competent practice of your profession?

5 Yes 48 No

“Mandating CFE’s”

“Any is a big variance”

Question #4

Are you adequately informed by the Board of Registration of Foresters of changes to and interpretations of board positions, policies, rules, and laws?

51 Yes 2 No

“Good Newsletter”

Question #5

Has the Board of Registration for Foresters performed your licensing and renewal in a timely manner?

Licensing: 53 Yes 0 No

Renewal: 51 Yes 2 No

Question #6

Do you consider mandatory continuing education necessary for competent practice?

34 Yes 19 No

“See below”

“But specialty courses should be allowed for those practicing only a specialty. For example, I am a real estate appraiser, licensed as such in Alabama. I want to remain also licensed as a forester but almost all general practice courses do me no good.”

“The practical consequence of annual cont. ed. is that refresher courses in fields of specialized work are quickly exhausted and professionals end up taking busy work courses to fulfill requirements.”

Question #7

Has the Board of Registration for Foresters approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education?

41 Yes 6 No 6 Unknown

“Too Expensive”

Question #8

Do you think the Board of Registration for Foresters and its staff are satisfactorily performing their duties?

53 Yes

0 No

Question #9

Has any member of the Board of Registration for Foresters or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a board service for you?

0 Yes

53 No

Question #10

What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Registration for Foresters doing to address the issue(s)?

No response

“People practicing forestry without forestry licenses”

“1. Too many lawyers and realtors selling timber for the public. 2. Don’t know.”

“The CE process is insufficient. Many RF’s lack knowledge in various basic aspects of forestry. It is too broad of a discipline for any forester to ‘know it all’. I don’t know how to address this short of “specialization” but I do not believe our profession is ready for that.”

No response

“No thoughts on this at present.”

“1. Loss of forestland due to development and urbanization. 2. Nothing”

“Continuing education – either do away with it or provide courses at reasonable locations and prices – or free”

“1. The need to promote the professional forester to the general public, i.e.: what a professional forester is, what he can do to improve the forests, what his credentials are, what's required of him. 2. to promote forestry in the state.

Most of the general public is totally unaware that there is such a thing as a “professional forester.” I currently don't know of anything the Board is doing to address this matter.”

“Marketing of forest products to help forest land owner to get value for their trees. Example pulpwood is bottomed out. Why try to increase the number of OSB Plants.”

“Environmental criticism from zealots; Encouraging BMP training”

No Response

“The most significant issue is the sale of private timber, other than owned by the seller by individuals who are not licensed and **not** qualified to adequately represent the owner of the timber.”

“Too much environmental regulation of forestry practices. As far as I know the “Board” is doing nothing about this problem.”

“Individuals and business claiming to manage people's land/forest with no registered forester employed. The board is going after as many as possible. The AG of Alabama needs to take the violations serious. Practicing forestry without a license is like a lawyer practicing without a license. “

“Need a more competitive marketplace; don't know.”

No Response

No Response

“X”

No Response

“The number of “none” registered, practicing/performing forestry related activities in the State of Alabama. The Board is following up and reporting cases. The Board needs more resources to be more proactive in addressing this problem.”

No Response

“It is imperative that various species of wildlife have habitat issues addressed in forestry practices. It seems that the Board might benefit the public by establishing a part of continuing education requirement in the area of wildlife management. Such work should address game and non-game animals.”

“It is very difficult to find CE courses and many others often are repeat of previous courses. I do not know of any steps the Board of Reg. is doing to address this issue.”

“Environmental issues. ??”

“Communication. Newsletter keeps me up to date.”

“The issue of non-licensees working as consulting foresters by hiring registered foresters to work for them. The non-licensed foresters actually performing the consulting.”

“In the past, the board has interpreted the actual advertisement of timber for sale by an individual other than the landowner or a registered forester, not a violation of the law governing the practice of forestry. I feel that this practice should be considered a practice of forestry.”

“Increasing regulation of activities on private ownerships by all levels of government. The board is doing nothing that I am aware of.”

No Response

“Living in Florida I’m not prepared to answer this question. Also, as stated above, I am a full time real estate appraiser of all types of property, not just timberland.”

“No Opinion”

“Compliance with Sarbanes-Oxley regulations. I’m not sure if the Board is looking at this issue.”

“1. People or persons representing landowners in silvicultural activities (charging fees) not being a registered forester. 2. Allowing 2 yr. forestry tech. graduates to be registered. Min. requirement should be 4 yr. BS degree from school of FY at a University.”

“The continuing availability of well educated, properly trained individuals who are entering the profession and are capable of fulfilling the future forestry needs of the people of Alabama.

With its programs for licensing and registration, continuing education, core curriculum requirements, and all others, the board provides a firm measure of surety for the competent and professional conduct of those who represent the forestry profession and apply its many practices and principles for the benefit of the people of Alabama.”

“The most significant issue facing forestry in Alabama has to do with environmental issues regarding water quality. The Board of Registration for Foresters is providing access to continuing education courses to address this issue.”

No Response

No Response

“Incompetent persons performing forestry/timber sales without regulation/oversight to protect the public. Providing, and publicizing Registered Foresters to assist any landowner who requests help; at a reasonable fee.”

“?”

“Certified wood for large warehouse producers, logger registration/certification”

“Lack of job opportunity”

No Response

“I really do not have any issues. I think we have to keep R.F. in Alabama. Please do not do a dumb thing as Florida did.”

“I do not currently work in Alabama, so I can not answer.”

“In my opinion the most significant issue facing my profession in Alabama is educating landowners of the importance of Registered Foresters to assist with management and management decisions of timber & timberland. I am unsure of the efforts of the Board of Registration for Foresters on this issue.”

“I believe there are many “timber dealers/timber traders” that lead the public to believe they are “foresters”. I think the Board should address this publicly – Foresters are well aware of the law but the public is not. Conflict of interest is also a concern – foresters acting as consultants & timber dealers & loggers dealers.”

No Response

“Maintaining ethical standards at the highest possible level is the hallmark objective. I think the Board is sincerely striving toward this goal.”

No Response

“1. Better administrative leadership of Alabama Forestry Commission. Appointments to the Commission should have at least 4 foresters recognized by the Board of Registration as registered foresters. 2. International certification of forest products. Forest management done by RF in Alabama should meet certification requirements.”

“The concept people have of our environment and how it should be managed. Most people do not have a clue any more about forestry practices.”

Complainants

A questionnaire was sent to all nine (9) complainants. Eight (8) responded.

Question #1

Was your complaint filed with the Board of Registration for Foresters by:

5 Mail 2 Phone 1 Fax 1 Other

“E-mail”

Question #2

Was receipt of your complaint promptly acknowledged?

5 Yes 3 No

“In general, yes.”

If yes, approximately how long after you filed your complaint were you contacted by the Board of Registration for Foresters?

1 Immediately 3 Within 10 days 0 Within 20 days
0 Within 30 days 2 More than 30 days 0 Did not respond

“I received a response in the form of “Complaint Form” within two weeks of my complaint, but it was over three months before a person contacted me by telephone.”

Question #3

Was the employee who responded to your complaint knowledgeable and courteous?

3 Knowledgeable 7 Courteous 1 Neither

Question #4

Did the Board of Registration for Foresters communicate the results of investigating your complaint to you?

4 Yes

4 No

“10 months after I filed the complaint.”

“Complaint is in initial stage. I assume that after all proceedings are completed that I will be informed but I am not sure if I am entitled to be informed of the final resolution. If I am so entitled I assume I will be informed of the resolution.”

“After I called they sent me a report – I called after I found out from his lawyer that they had dropped our case.”

Question #5

Do you think the Board of Registration for Foresters did everything it could to resolve your complaint?

4 Yes

4 No

“I can’t answer as I do not know if the complaint was resolved.”

“I assume they will exhaust all efforts to properly handle and administer the complaint according to Alabama law and the Board’s regulations.”

Question #6

Were you satisfied with your dealings with the Board of Registration for Foresters?

3 Yes

5 No

“I have received no feedback from the Board at all.”

“I believe the Board did not pursue this complaint in such a manner as to prevent the person from again presenting himself as a forester to other unsuspecting landowners.”

“At this point of the complaint proceeding I am very satisfied.”

“No one seems to know anything for sure they talk like they are going to help but then nothing happens.

To Whom It May Concern:

When we discovered that our timber had been cut, I called the Forestry office in Blount County. I talked to Mr. [REDACTED]. He gave me the phone number for Mr. [REDACTED]. I told Mr. [REDACTED] the situation and the location of the property and he said that he would get back to me in a day or two. When he called back he told me that [REDACTED] was in charge of cutting the timber on the adjoining land and he (Mr. [REDACTED]) had told Mr. [REDACTED] to get in touch with me. It was several days before Mr. [REDACTED] called. It was during this time that my nephew after work one afternoon counted 234 stumps, but was unable to cover the entire area because of darkness. When Mr. [REDACTED] called, he said that the loggers had probably cut two loads of pulpwood on our land. When I asked how many trees that would be, he said about 50. My reply to him was “I think there was more than two loads.” Mr. [REDACTED] and the property owner then wanted to have the land surveyed and we were to pay half of the cost of surveying. We would not agree to pay any of the cost. Mr. [REDACTED] had faxed me a copy of the law regarding the cutting, removal, etc. of forest products. It was Mr. [REDACTED] responsibility to know where the property lines were. [REDACTED] Surveying had put a new corner marker in place a few months earlier, that Mr. [REDACTED] could have easily seen if he was trying to establish a line for the loggers to cut by. Mr. [REDACTED] then sent us a letter stating that he had conducted a stump count, the same as what my nephew had counted – 234 stumps. Apparently he forgot that my nephew said that darkness came before he was able to finish. We did not know at the time that we needed to get a licensed person to conduct a stump count, so we did our own. We purchased utility stakes and placed a stake into each stump. When we finished we had used 353 stakes, and had measured each stump.

Mr. [REDACTED] sent a letter to us stating that the value of the 234 trees that was cut was \$875.29. We did not believe that was the true value and did not sign the release papers. Mr. [REDACTED] received a copy of the letter with the stump count and size. Yet, he did not give us any indication that all of the timber was not pulp as Mr. [REDACTED] had stated. I asked a logger about the different sizes and he told me we were getting cheated, trees 14 in. up were logs and worth much more. We were in the process of talking to a lawyer when I was informed by Mr. [REDACTED] that Mr. [REDACTED] had been called up with his guard unit for Iraq, and there could not be anything brought up against him while he was deployed. We were told that we would have extra time to continue with the lawyer when he returned to the states. We met with Mr. [REDACTED], [REDACTED], [REDACTED], and [REDACTED] in February 2005 at the Forestry office in Blount Co. Mr. [REDACTED] calculated the trees that were cut according to their size, and gave us the market price that we should have received. Mr. [REDACTED] used our count of 353 stumps and the total was \$7,721.66. According to the law he said it would be double that amount. I certainly don't think Mr. [REDACTED] and Mr. [REDACTED] was trying to “resolve this matter fairly” as Mr. [REDACTED] had stated earlier in a letter for \$875.29.

We don't feel that we got the help we should have received from the Forestry than “we were due double the stump count and it was selling for \$6.00 per ton.” I don't believe that we could give a good recommendation to anyone about the Forestry Department.

Complainant Questionnaire

We only wanted pay for our timber without going to court, but we realize now that we should have sued the parties involved without regards to the number of trees cut. We would appreciate any help or legal advice that you could give us!”

Appendices

Statutory Authority

CHAPTER 12. FORESTERS.

REFERENCES

ADMINISTRATIVE CODE

8 Ala. Admin. Code 380-X-1-.01 et seq., Board of Registration for Foresters.

ARTICLE 1. GENERAL PROVISIONS.

§ 34-12-1. Definitions. [Historical Notes](#)

For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

(1) Board. The State Board of Registration for Foresters.

(2) Practice of forestry. Any professional service such as consultation, investigation, evaluation, planning, or responsible supervision as interpreted by the board of any forestry activities in connection with any public or private lands wherein the public welfare and property are concerned or involved when the professional service requires the application of forestry principles and data. The term also means the application, teaching, investigation, or administration of forestry theories, principles, practices, or programs directly or indirectly related to the environmental and economic use and the biological and ecological understanding of gross areas of land in public or private ownership or direction, or both, and supervision over persons engaged in the formation or implementation, or both, of forestry policies.

(3) Registered forester. A person who, by reason of his or her knowledge of the natural sciences, mathematics, economics, and the principles of forestry and by his or her demonstrated skills acquired through professional forestry education and professional forestry experience as interpreted by the board is qualified to engage in the practice of forestry and who also has been duly registered and holds a current valid license issued by the board.

(Acts 1957, No. 533, p. 750, § 2; Acts 1969, No. 1051, p. 1965, § 2; Acts 1973, No. 1202, p. 2020, § 2; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1998 amendment, effective March 11, 1998, redesignated subdivisions (1) and (3) as subdivisions (3) and (1), respectively, in subdivision (2) substituted "when the" for "when such", substituted "data. The term also means the" for "data; and the", substituted "or direction, or both" for "and/or direction" and substituted "or implementation, or both, of" for "and/or implementation of such", in subdivision (3), as so redesignated, deleted "Forester or" in the name and inserted "or her" in two places, and made nonsubstantive changes.

§ 34-12-2. Registration required; exceptions. [Historical Notes](#) [References](#)

(a) In order to benefit and protect the public, no person in either public or private capacity shall practice or offer to practice forestry, unless he or she has submitted evidence that he or she is qualified so to practice and is registered by the board as hereinafter provided or unless he or she is specifically exempted from registration under this chapter. It shall be unlawful for any person to practice or offer to practice in this state forestry, as defined by this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a registered forester, unless duly registered or exempt from registration under this chapter.

(b) This chapter shall not be construed to prevent or to affect:

(1) The practice of any other legally recognized profession or trade.

(2) The application of forestry principles and procedures on any timberlands, woodlands, or forest in which any person, firm, partnership, or corporation owns an interest; or persons, firms, partnerships, and corporations having the right to manage and administer forestlands in any legal manner.

(3) The work of an employee or a subordinate of any registered forester holding a license under this chapter; provided, that such work is done under the direction, supervision, and responsibility of a person holding a license under this chapter.

(4) The practice of forestry by officers and employees of the United States government on federally owned lands.

(5) The practice of forestry by officers and employees of the State of Alabama on state-owned lands.

(6) Employees of the federal government and educational institutions of the State of Alabama who, in the exercise of their assigned duties, conduct forestry education programs or provide free forestry advice and assistance to timberland owners, or both. (Acts 1957, No. 533, p. 750, § 1; Acts 1969, No. 1051, p. 1965, § 1; Acts 1973, No. 1202, p. 2020, § 1; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1998 amendment, effective March 11, 1998, designated the existing provisions as subsections (a) and (b); in subsection (a), as so designated, inserted "or she" in four

places, substituted "has" for "shall first have", substituted "and is" for "and shall be", deleted "the provisions of" preceding "this chapter" in two places, inserted "or her", and substituted "registered forester, unless duly registered or" for "forester, unless such person has been duly registered or is"; in subsection (b), in subdivision (3) inserted "registered", and in subdivision (6) substituted "or" for "and/or" and inserted ", or both"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 11(1), 19(3).

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects §§ 2-3, 11, 68; Licenses §§ 34-36.

§ 34-12-3. Roster of registered foresters. [References](#)

A roster showing the names and places of business of all registered foresters qualified according to the provisions of this chapter shall be prepared by the secretary of the board during the month of January biennially in even-numbered calendar years. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and furnished to the public upon request.

(Acts 1957, No. 533, p. 750, § 11; Acts 1969, No. 1051, p. 1965, § 5; Acts 1977, No. 755, p. 1293, § 1.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses 24.

Corpus Juris Secundum:

C.J.S. Licenses § 37.

§ 34-12-4. Qualifications of applicants for registration. [Historical Notes](#) [References](#)

(a) The following requirements shall be considered as minimum evidence satisfactory to the board that the applicant is qualified to practice forestry and to be registered and licensed pursuant to this chapter. Each applicant shall:

(1) Hold a bachelors or higher degree from a school approved by the board or accredited by the Society of American Foresters in a forestry curriculum accepted by the board.

(2) Have passed a written or oral examination, or both, designed to show the knowledge and skill obtained through graduation from the school or college.

(3) Have a specific record of two years or more of experience in the practice of forestry of a nature satisfactory to the board and indicating that the applicant is competent to practice forestry.

(4) Be a person of good character and reputation.

(b) The board shall issue licenses only to those applicants who meet the requirements of this section.

(Acts 1957, No. 533, p. 750, § 12; Acts 1961, Ex. Sess., No. 141, p. 2082, § 1; Acts 1969, No. 1051, p. 1965, § 6; Acts 1973, No. 1202, p. 2020, § 5; Acts 1990, No. 90-105, p. 124, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1990 amendment, effective March 7, 1990, in the second paragraph at the beginning substituted "Hold a bachelors or higher degree from a school" for "Graduation from a curriculum in forestry of four years or more in a school or college", and inserted "in a forestry curriculum accepted by the board" following "Society of American Foresters."

The 1998 amendment, effective March 11, 1998, inserted the subsection (a) and (b) designators; in subsection (a), as so designated, inserted "requirements", substituted "and licensed pursuant to this chapter. Each applicant shall" for "as a forester", inserted the subdivision (1) designator, substituted "board." for "board,", substituted "(2) Have passed a written or oral examination, or both," for "and passage of a written and/or oral examination", substituted "the school or college." for "said school or college and who,", substituted "(3) Have a specific record of" for "in addition to said educational and examination requirements, has a specific record of an additional", and added subdivision (4); and in subsection (b), as so designated, deleted "and to none others; provided, that no person shall be registered as a forester who is not of good character and reputation" following "section".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  20.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7; Licenses §§ 39-41.

§ 34-12-5. Applications; registration fees. [Historical Notes](#) [References](#)

Application for registration shall be made on forms prescribed and furnished by the board. An application shall contain statements made under oath showing the education of the applicant and a detailed summary of his or her professional work. The application shall also contain not less than five references, of whom three or more shall be registered foresters or graduates of a curriculum in forestry of four years or more in a school or college approved by the board or accredited by the Society of American Foresters, having personal or professional knowledge of the forestry experience of the applicant. Any proposed subsequent statement, correction, or addition to the application shall be given under oath in writing and shall be made a part of the original application. The registration fee for a license shall be set annually by the board in an amount not to exceed two hundred dollars (\$200), which shall accompany the application. Should the board deny the issuance of a license to any applicant, the fee deposited shall be retained by the board as an application fee.

(Acts 1957, No. 533, p. 750, § 13; Acts 1969, No. 1051, p. 1965, § 7; Acts 1973, No. 1202, p. 2020, § 6; Acts 1977, No. 756, p. 1294, § 1; Acts 1986, No. 86-117, p. 138, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1998 amendment, effective March 11, 1998, substituted "board. An application" for "board,", substituted "oath showing" for "oath, showing the applicant's", inserted "of the applicant" in two places, inserted "or her", substituted "work. The application shall also" for "work, and shall", substituted "the forestry" for "his forestry", substituted "two hundred dollars (\$200)" for "\$100.00", and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  22, 29.

Corpus Juris Secundum:

C.J.S. Architects § 9; Licenses §§ 43, 66.

§ 34-12-6. Examination. [Historical Notes](#) [References](#)

When written or oral examinations, or both, are required, they shall be held at such time and place as the board may determine. The methods of procedure shall be prescribed by the board. A candidate failing an examination may apply for reexamination at the expiration of six months. This examination and all subsequent oral and written examinations shall be granted upon payment of a fee to be determined annually by the board, not to exceed one hundred dollars (\$100) in each instance. (Acts 1957, No. 533, p. 750, § 14; Acts 1986, No. 86-117, p. 138, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1998 amendment, effective March 11, 1998, substituted "or oral examinations, or both," for "and/or oral examinations", substituted "shall be granted" for "will be granted", and substituted "one hundred dollars (\$100)" for "\$50.00".

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  20.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7; Licenses §§ 39-41.

§ 34-12-7. Licenses -- Issuance; contents; use of license number. [References](#)

The board shall issue a license upon payment of a registration fee as provided for in this chapter to an applicant who, in the opinion of the board, has satisfactorily met all of the requirements set out by this chapter. Licenses shall show the full name of the registrant, shall have a serial number and shall be signed by the chairman of the board. The issuance of a license by the board shall be evidence that the person named therein is entitled to all of the rights and privileges of a registered forester while the said license remains unrevoked or unexpired. Plans, maps, specifications and reports issued by a registrant shall be endorsed with his name and license number during the life of the registrant's license, but it shall be a misdemeanor for anyone to endorse any document with said name and license number after the license of the registrant named therein has expired or has been revoked, unless said license shall have been renewed or reissued. It shall be a misdemeanor for any registered forester to endorse any plan, specification, estimate or map unless he shall have actually prepared such plan, specification, estimate or map, or shall have been in the actual charge of the preparation thereof.

(Acts 1957, No. 533, p. 750, § 15.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  23, 36, 40.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects §§ 3, 5, 7, 12-15; Licenses §§ 44-48, 82-83; Trading Stamps and Coupons § 6.

§ 34-12-8. Licenses -- Expiration; renewal. [Historical Notes](#) [References](#)

(a) Licenses shall expire on the 30th day of September next following their issuance or renewal and shall become invalid on that date unless renewed. The secretary of the board shall notify, at his or her last registered address, every person registered under this chapter of the date of the expiration of his or her license and the amount of the fee that shall be required for its renewal for one year. The notice shall be mailed three months in advance of the date of the expiration of the licenses. Two subsequent monthly notices may be mailed, the second by certified mail, return receipt requested. The annual renewal fee for licenses shall be established annually by the board and shall not exceed two hundred dollars (\$200). Renewal of licenses for the following year may be effected at any time during the three months preceding September 30 of the year in which the license has been issued or renewed by the payment of the renewal fee so fixed by this chapter. Licensees who renew their licenses between September 30 and December 31 of any year renewal is due shall pay a late renewal fee set by the board not to exceed an amount equal to twice the annual renewal fee. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the armed services of the United States. A licensee who fails to renew a license by December 31 of any year renewal is due shall have his or her license revoked.

(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1991, and after that date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.

(Acts 1957, No. 533, p. 750, § 16; Acts 1969, No. 1051, p. 1965, § 8; Acts 1977, No. 756, p. 1294, § 1; Acts 1986, No. 86-117, p. 138, § 3; Acts 1990, No. 90-105, p. 124, § 3; Acts 1994, No. 94-130, p. 163, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1990 amendment, effective March 7, 1990, designated the former section as

subsection (a), substituted the present next to the last sentence of subsection (a) for the former sentence which read: "Such licenses may also be renewed during the ensuing three months by the payment of the regular renewal fee," and added subsection (b).

The 1994 amendment, effective February 25, 1994, in subsection (a), deleted "fail to" following "Licensees who" in the seventh sentence and added the last sentence.

The 1998 amendment, effective March 11, 1998, in subsection (a) substituted "The secretary of the board shall" for "It shall be the duty of the secretary of the board to", substituted "The" for "Such", substituted "the licenses" for "said licenses", substituted "two hundred dollars (\$200)" for "\$100.00", substituted "the license" for "such license", substituted "an amount equal to twice the annual renewal fee" for "\$100.00", and substituted "have his" for "have the"; in subsection (b) substituted "that date" for "said date"; and inserted "or her" following "his" throughout.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  22.

Corpus Juris Secundum:

C.J.S. Architects § 9; Licenses § 43.

§ 34-12-9. Licenses -- Revocation; administrative fines; reissuance; replacement of lost license. [Historical Notes](#) [References](#)

The board may revoke the license of any registrant who is found guilty by the board of gross negligence, incompetency, or misconduct in the practice of forestry. The board may discipline its licensees by the imposition and collection of an administrative fine set by the board not to exceed two thousand dollars (\$2,000) per violation, and may institute any legal proceeding necessary to effect compliance with the chapter. All administrative fines collected by the board shall be deposited in the State Treasury in the "Professional Foresters Fund." The board may designate a person or persons to investigate and report to it upon any charges of fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice against any registrant, as may come to its attention. Any person or persons so designated by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the board as outlined in Section 34-12-32. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or other misconduct in connection with any forestry practice against any registrant. The charges shall be in writing, shall be sworn to by the person making them, and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they have been preferred. The time and place for the hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of the hearing, shall be personally served on, or mailed to the last known address of, the registrant, at least 30 days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by

counsel, to cross-examine witnesses appearing against him or her, and to produce evidence and witnesses in his or her own defense. If, after a hearing, three or more members of the board vote in favor of finding the accused guilty, the board may revoke the license of the registered forester. Any applicant whose license has been revoked as above may apply for a review of the proceedings with reference to the revocation of his or her license by the aforementioned circuit court and from there by appeal to the Supreme Court of Alabama. The only record to be considered by either the circuit court or by the Supreme Court shall be the record made before the board. New evidence shall be presented to the board, in session, before it may be used in court proceedings. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked when three or more members vote in favor of reissuance. A new license to replace a revoked license may be issued, subject to the rules of the board and at a fee set by the board not to exceed an amount equal to twice the annual renewal fee. Lost, destroyed, or mutilated licenses may be issued, subject to the rules of the board and at a fee set by the board not to exceed fifty dollars (\$50) for the issuance. (Acts 1957, No. 533, p. 750, § 19; Acts 1986, No. 86-117, p. 138, § 3; Acts 1994, No. 94-130, p. 163, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1994 amendment, effective February 25, 1994, added the second and third sentences; and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, substituted "may" for "shall have the power to", for "is also additionally authorized to", for "is authorized to" and for "is empowered to", substituted "two thousand dollars (\$2,000)" for "five hundred dollars (\$500)", substituted "Any person or" for "Such person or", substituted "The charges" for "Such charges", deleted "shall" preceding "have been preferred", substituted "the" for "said" following "and place for", substituted "the" for "such" in three places, inserted "or her" in three places, substituted "If, after a" for "If, after such", substituted "either the" for "either the said", substituted "evidence shall" for "evidence must", substituted "vote in favor of" for "of the board vote in favor of such", substituted "a revoked license may be issued, subject to the rules of the board and at a fee set by the board not to exceed an amount equal to twice the annual renewal fee. Lost, destroyed, or mutilated licenses" for "any license revoked, lost, destroyed or mutilated", substituted "at a fee" for "a charge", and substituted "fifty dollars (\$50) for the" for "\$25.00 for such", and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  38.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 10; Licenses §§ 48, 50-63.

§ 34-12-10. Firms, partnerships and corporations. [References](#)

Registration shall be determined upon a basis of individual, personal qualifications. No firms, companies, partnerships or corporations can be licensed under this chapter. (Acts 1957, No. 533, p. 750, § 17.)

REFERENCES

CROSS REFERENCES

As to professional corporations, see §§ 10-4-380 et seq.

LIBRARY REFERENCES

American Digest System:

Licenses  20.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7; Licenses §§ 39-41.

§ 34-12-11. Reciprocity. [Historical Notes](#) [References](#)

(a) A person not a resident of, and having no established place of business in Alabama, or who has recently become a resident thereof, may use the title of registered forester and practice forestry provided:

(1) Such person is legally licensed as a registered forester in his or her own state or country and has submitted evidence to the board that he or she is so licensed;

(2) The state or country in which he or she is so licensed:

a. Has standards for licensing comparable to Alabama and acceptable to the board; and

b. Observes these same rules of reciprocity in regard to persons licensed under the provisions of this chapter.

(b) Each person seeking the privileges of reciprocity granted under this chapter shall submit his or her application therefor to the board and shall receive a card or certificate from the board before exercising such privileges. The application fee for obtaining such a reciprocity card or certificate shall be the same as is charged an Alabama licensee seeking to obtain reciprocal privileges in the home state or country of the applicant.

(c) Persons practicing forestry in the state through reciprocity shall be subject to the same renewal and expiration rules as provided in Section 34-12-8.

(Acts 1957, No. 533, p. 750, § 18; Acts 1969, No. 1051, p. 1965, § 9; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1998 amendment, effective March 11, 1998, inserted the subsection (a) and (b)

designators; inserted "or her" following "his" throughout; in subsection (a), as so designated, substituted "he or she" for "he" in two places; in subsection (b) substituted "and shall" for "and must", substituted "The application" for "The", and substituted "home state or country of the applicant" for "applicant's home state or country"; and added subsection (c).

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  20.

Corpus Juris Secundum:

C.J.S. Architects §§ 4, 7; Licenses §§ 39-41.

§ 34-12-12. Violations and penalties. [Historical Notes](#) [References](#)

(a) Any person who shall practice or offer to practice the profession of forestry in this state without being registered or exempted in accordance with this chapter; or any person who shall use in connection with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a registered forester, without being registered or exempted in accordance with this chapter; or any person who shall present or attempt to use as his or her own the license of another; or any person who shall give any false or forged evidence of any kind to the board or any member thereof in obtaining a license; or any person who shall attempt to use an expired or revoked license; or any person, firm, partnership, or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) for each offense. The board, or the person or persons designated by the board to act in its stead, may prefer charges for any of the violations of this chapter in any county in this state in which the violations may have occurred. All duly constituted officers of the law of this state, or any political subdivision thereof, shall enforce this chapter and prosecute any persons, firms, partnerships, or corporations violating the same. The Attorney General of the state and his or her assistants shall act as legal advisers of the board and render legal assistance as may be necessary in carrying out the provisions of this chapter.

(b) All fines collected for the violation of any provisions of this chapter shall be paid over to the secretary of the board to be by him or her delivered to the State Treasurer to be placed in the Professional Foresters Fund in the same manner as funds received for the issuance of licenses.

(Acts 1957, No. 533, p. 750, § 20; Acts 1973, No. 1202, p. 2020, § 7; Acts 1990, No. 90-105, p. 124, § 3; Acts 1994, No. 94-130, p. 163, § 3; Act 98-145, p. 223, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1990 amendment, effective March 7, 1990, designated the former first paragraph as subsection (a), added subsection (b), and designated the former last paragraph as subsection (c).

The 1994 amendment, effective February 25, 1994, deleted former subsection (b) regarding authorization to fine and institute legal proceedings and made nonsubstantive changes.

The 1998 amendment, effective March 11, 1998, in subsection (a) deleted "the provisions of" preceding "this chapter" in three places, inserted "or her" in three places, substituted "or she is a registered" for "is a", substituted "five hundred dollars (\$500) nor more than two thousand dollars (\$2,000)" for "\$100.00 nor more than \$500.00", substituted "the person or persons" for "such person or persons as may be", substituted "may prefer" for "is empowered to prefer", substituted "which the violations" for "which such violations", substituted "All" for "It shall be the duty of all", substituted "shall enforce" for "to enforce", substituted "and prosecute" for "and to prosecute", and substituted "render legal" for "render such legal"; in subsection (b) inserted "or her"; and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  40.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects §§ 3, 5, 7, 12-15; Licenses §§ 82-83; Trading Stamps and Coupons § 6.

ARTICLE 2. BOARD OF REGISTRATION.

§ 34-12-30. Creation; composition; appointment; oath of office; terms of office.

[Historical Notes](#) [References](#)

A State Board of Registration for Foresters is hereby created whose duty it shall be to administer the provisions of this chapter. The board shall consist of five foresters, who shall be selected and appointed by the Governor of Alabama from among 10 nominees recommended by the Alabama Division of the Society of American Foresters and shall have the qualifications required by Section 34-12-31. Each member of the board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath of affirmation for the faithful discharge of his official duties. The five members of the initial board shall be appointed for terms of one, two, three, four and five years, respectively, and in making the appointment the Governor shall designate the term for which each of said members is appointed as provided for above. At the expiration of the term of any member of the initial board, the Governor shall, from a list of three nominees recommended to him by

the Alabama Division of the Society of American Foresters, appoint for a term of five years a registered forester having the qualifications required by Section 34-12-31 to succeed the member whose term on said board is expiring. Nothing contained in this chapter shall prohibit any member whose term expires to be reappointed to succeed himself on said board; provided, however, that after March 7, 1990, no member shall serve more than two full consecutive terms of office. If the Governor fails to make appointment in 90 days after expiration of any term, the board shall make the necessary appointment from nominees submitted as hereinabove provided and who meet the qualifications set out by Section 34-12-31. Each member of said board shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

(Acts 1957, No. 533, p. 750, § 3; Acts 1969, No. 1051, p. 1965, § 3; Acts 1986, No. 86-117, p. 138, § 3; Acts 1990, No. 90-105, p. 124, § 3.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 1990 amendment, effective March 7, 1990, inserted "provided, however, that after March 7, 1990, no member shall serve more than two full consecutive terms of office" at the end of the sixth sentence of this section.

Code Commissioner's Notes

Section 2 of Acts 1990, No. 90-105 provides: "The existence of the board of registration of foresters, created and functioning pursuant to sections 34-12-1 through 34-12-37, Code of Alabama 1975, is hereby continued, and said code sections are hereby expressly preserved."

Acts 1994, No. 94-130, provides:

"Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Registration for Foresters, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act."

"Section 2. The existence and functioning of the Board of Registration for Foresters, created and functioning pursuant to Sections 34-12-1 to 34-12-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

Act 98-145, § 2 provides: 'The existence and functioning of the Board for Registration of Foresters, created and functioning pursuant to Sections 34-12-1 to 34-12-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.'

Section 2 of Act 2002-83 provides: "The existence and functioning of the State Board of Registration for Foresters, created and functioning pursuant to Sections 34-12-1 to 34-12-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved."

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses ☒21; States ☒45.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38; States §§ 79-80, 82, 136.

§ 34-12-31. Qualifications of members. [References](#)

Each member of the board shall be a citizen of the United States and a resident of the State of Alabama, a "registered forester" under the provisions of this chapter, a member or fellow of the Society of American Foresters and shall have been engaged in the practice of the profession of forestry for the last 10 years prior to such appointment.

(Acts 1957, No. 533, p. 750, § 4; Acts 1969, No. 1051, p. 1965, § 4.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses ☒21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-12-32. Compensation and expenses. [References](#)

Each member of the board shall receive a nominal sum of \$50.00 per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel and, in addition thereto, shall be reimbursed for all traveling expenses as provided in Article 2 of Chapter 7 of Title 36, and incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter. Such compensation and expenses shall be paid out of the Professional Foresters Fund in the manner prescribed herein.

(Acts 1957, No. 533, p. 750, § 5; Acts 1973, No. 1202, p. 2020, § 3; Acts 1986, No. 86-117, p. 138, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses ☒21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-12-33. Removal of members; vacancies. [References](#)

The Governor may remove any member of the board for misconduct, incompetency or neglect of duty. Vacancies in the membership of the board shall be filled for the

unexpired term by appointment only in the manner provided by this chapter for the appointment of members of the board.
(Acts 1957, No. 533, p. 750, § 6.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-12-34. Meetings; officers; quorum. [References](#)

The members of said board shall be named and appointed by the Governor within 60 days after September 13, 1957. The board shall hold a meeting within 30 days after its members are first appointed and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time and place as the bylaws of the board may provide; provided, that not more than one meeting may be held in any one calendar month. Notice of all meetings shall be given in such manner as the bylaws may provide. The board shall elect or appoint annually the following officers: A chairman, vice-chairman and a secretary, who shall each be members of the board. A quorum of the board shall consist of not less than three voting members.

(Acts 1957, No. 533, p. 750, § 7.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

§ 34-12-35. Powers generally. [Historical Notes](#) [References](#)

The board shall have the power to make all bylaws and rules, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before the board. Notwithstanding any other provision of law, following appropriate review by the Contract Review Permanent Legislative Oversight Committee, the board may enter into any contract or agreement relating to the board without further approval. The board shall adopt and have an official seal. In carrying into effect the provisions of this chapter, the board may, under the hand of its chairman and the seal of the board, subpoena witnesses and compel their attendance and may also require them to produce books, papers, maps, or documents. Any member of the board may administer oaths of affirmation to

witnesses appearing before the board. Witnesses officially called by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the members of the board as provided and set out in Section 34-12-4. If any person shall refuse to appear as a witness before the board, or refuse to testify, or refuse to produce any books, papers, or documents, the board may present its petition to the Circuit Court of Montgomery County, setting forth the facts, and the court shall, in a proper case, issue a subpoena to the person, requiring his or her attendance before the circuit court and there to testify or to produce such books, papers, and documents as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the circuit court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court. The board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from the commission of any act which is prohibited by this chapter. Application for an injunction may be made to the Circuit Court of Montgomery County, Alabama, or the circuit court of the county in which it is alleged that the violation is occurring. The members of the board shall not be personally liable for instituting any such proceedings.

(Acts 1957, No. 533, p. 750, § 8; Acts 1973, No. 1202, p. 2020, § 4; Act 2002-83, § 3, p. 261.)

HISTORICAL NOTES

HISTORY

Amendment notes:

The 2002 amendment, effective February 22, 2002, substituted "the board." for "it." preceding "Notwithstanding", added the second sentence, substituted "Witnesses" for "Such witnesses", substituted "before the board" for "before said board", substituted "Montgomery County," for "the county in which the state capitol is located," preceding "setting", substituted "the court" for "thereupon such court", substituted "the person" for "such person", inserted "or her", substituted "before the circuit" for "before such circuit", substituted "order of the circuit" for "order of said circuit", substituted "order of the court" for "order of such court", substituted "an injunction" for "said injunction" and made nonsubstantive changes.

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses § 37-38.

§ 34-12-36. Receipts; disbursements; bond of secretary; employees; gifts, bequests, etc. [References](#)

The secretary of the board shall receive and account for all moneys derived under the provisions of this chapter and shall pay the same monthly to the State Treasurer, who shall keep such moneys in a separate fund to be known as the "Professional Foresters Fund." Such fund shall be kept separate and apart from all other moneys in the Treasury and shall be paid out only by warrant of the comptroller upon the State Treasurer, upon itemized vouchers approved by the Chairman and attested by the secretary of the board. All moneys in the Professional Foresters Fund are hereby specifically appropriated for the use of the board. The secretary of the board, its office manager or other designated officer of the board who handles funds shall give surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board and shall be paid from the Professional Foresters Fund.

The board may employ such clerical and other assistants as are necessary for the proper performance of its work, or, in lieu of employing clerical assistants, the board may contract with any state department or agency to furnish the board with such clerical assistance as the board deems necessary. The compensation of such assistants or the cost of contracting for such clerical assistance shall be paid out of the Professional Foresters Fund in the manner prescribed herein.

The board is authorized to accept all gifts, bequests and donations from any source whatsoever, and such gifts, bequests and donations shall be used or expended in accordance with their terms or stipulations, but in the absence of any such terms or stipulations, such gifts, bequests or donations may be used or expended for such purposes as the board may determine.

Except as otherwise provided herein, the board may make expenditures for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under the provisions of this chapter, including the expenses of the board's delegates to any annual conventions of, and membership dues to, the Society of American Foresters; provided, that under no circumstances shall the total amount of warrants issued by the Comptroller in payment of the expenses and compensation provided for by this chapter exceed the amount of the examination and registration fees, license fees, donations and other moneys collected by the board as herein provided. (Acts 1957, No. 533, p. 750, § 9; Acts 1986, No. 86-117, p. 138, § 3.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21, 33.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses § 37-38, 71.

§ 34-12-37. Records and reports. [References](#)

The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show the name, age and residence of each applicant, the date of the application, the place of business of such applicant, his educational and other qualifications, whether or not an examination was required, whether or not the application was rejected, whether or not a license of registration was granted, the date of the action by the board and such other information as may be deemed necessary by the board. The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced. Annually, as of the thirtieth day of September each year, the board shall submit to the Governor a report of its transactions of the preceding year and shall transmit to him as a part of said report a complete statement of the receipts and expenditures of the board and the statement shall be attested by the chairman and the secretary of the board.

(Acts 1957, No. 533, p. 750, § 10.)

REFERENCES

LIBRARY REFERENCES

American Digest System:

Licenses  21, 24.

Corpus Juris Secundum:

C.J.S. Agriculture § 4.5; Architects § 4; Licenses §§ 37-38.

Board Members

ALABAMA STATE BOARD OF REGISTRATION FOR FORESTERS

BOARD MEMBERS 2005

Kenneth Day, Chairman 7498 Park Drive Daphne, AL 36526	2001 - 2006
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Everett E. Johnson, Jr., Vice Chairman Solon Dixon Forestry Education Center Route 7 Box 131 Andalusia, AL 36420	2002 - 2007
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Melisa H. Love, Secretary Forestry Consultants P. O. Box 684 Opelika, AL 36801	2003 - 2008
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David W. Wright, Member Scotch Lumber Company P. O. Box 38 Fulton, AL 36446	2004 - 2009
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Alan D. Lyons, Member Hancock Forest Management 3891 Klein Road Harpersville, AL 35078	2005-2006
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Executive Assistant

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Alabama State Board of Registration for Foresters
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